

RULEMAKING NOTICE

Notice Number _____	Rule Number _____ Env-Wt 101.16, 101.89, 101.114 [all new]
1. Agency Name & Address: NH Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	2. RSA Authority: RSA 482-A:11, I; RSA 482-A:31, I-III Clean Water Act § 404; 3. Federal Authority: 33 CFR Parts 325 & 332 4. Type of Action: Adoption <u> X </u> Amendment _____ Repeal _____ Readoption _____ Readoption w/amendment _____

5. Short Title: Definitions Related to Wetlands Mitigation Rules

6. (a) Summary of what the rule says and of any proposed amendments:

Env-Wt 100 contains the organizational rules and definitions for subtitle Env-Wt. In conjunction with the readoption with amendment of Env-Wt 800 and certain sections in Env-Wt 500 relative to mitigation requirements, definitions of certified wetland scientist, service area, and wetland enhancement are proposed to be added to Env-Wt 101.

6. (b) Brief description of the groups affected:

The rules will affect any individual or entity that undertakes activities regulated under RSA 482-A.

6. (c) Specific section(s) of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section(s)	State Statute(s) Implemented	Federal Statutes/Regulations Implemented
Env-Wt 101.16 Env-Wt 101.89 Env-Wt 101.114	RSA 482-A:3, I; RSA 482-A:28-33	Clean Water Act Section 404; 33 CFR Parts 325 & 332

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Lori Sommer	Title:	Wetland Mitigation Coordinator
Address:	NH Dept. of Environmental Services 29 Hazen Drive; P.O. Box 95 Concord, NH 03302-0095	Phone #:	(603) 271-4059
		Fax#:	(603) 271-6588
		E-mail:	

The rules also can be viewed in PDF at
<http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm>

TTY/TDD Access: Relay NH 1-
800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 p.m. on August 14, 2015**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **July 30, 2015 at 1:00 PM**

Place: **Rooms 112-114, DES Offices, 29 Hazen Drive, Concord NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 15:103 , dated 6/11/15:

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost when comparing the proposed rules to the existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds. The U.S. Army Corps of Engineers has concurrent jurisdiction over most projects in NH that require a permit under RSA 482-A:3, I. The vast majority of such projects are covered under the NH State Programmatic General Permit issued by the U.S. Army Corps of Engineers. The U.S. Army Corps of Engineers does not require rules regarding mitigation, however without rules every applicant for a permit under RSA 482-A:3, I would also need to apply to the U.S. Army Corps of Engineers for a permit.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules are definitions only, and so have no costs associated with them. The rules thus do not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures, and so do not violate Part I, Article 28-a of the N.H. Constitution.